



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-133

JUN 28 2010

CERTIFIED MAIL-7009 2250 0001 6624 4437
RETURN RECEIPT REQUESTED

WARNING LETTER

Dan Noteboom, Owner/Operator
Dan Noteboom Dairy
7800 Noon Road
Lynden, Washington 98264

Re: March 29, 2010, NPDES Compliance Inspection
NPDES Permit Number WAU000377

Dear Mr. Noteboom:

On March 29, 2010, the U.S. Environmental Protection Agency (EPA) inspected your facility to evaluate its compliance with the Clean Water Act. I would like to express my appreciation for your staff's time and cooperation during the inspection. At the time of inspection, the EPA inspector observed a few areas of concern.


Nutrient Management Plan (NMP) Inconsistencies and Potential for Discharge

- 1) At the time of the inspection, the inspector noted that current lagoon storage capacity was severely limited by floating solids in both the main lagoon and the Hannegan Road lagoon. Such conditions were noted as being inconsistent with your NMP and if not addressed could lead to land applications during times less desirable (higher potential for discharge) than if the lagoons were maintained as detailed in your NMP.
- 2) The inspector also noted that freeboard in the lagoon at the main facility was approximately six inches or less from the top of the lagoon wall. This condition causes a potential to discharge.
- 3) Water accumulating just south and southwest of the silage bunker was noted by the inspector as likely containing precipitation and silage leachate. This accumulated water is in close proximity to a roadside ditch creating a potential to discharge.

The new Confined Animal Feeding Operation (CAFO) Rules state that "the owner or operator of a CAFO must seek coverage under an NPDES permit if the CAFO discharges or proposes to discharge." Unless these areas of potential discharge are permanently eliminated, your facility will need to seek coverage under a NPDES permit. Please follow up with Nora Mena, Washington State Department of Agriculture and Jon Jennings, Washington Department of Ecology for questions regarding your status as a CAFO and obtaining coverage under the Washington General CAFO Permit.

Although our goal is to ensure facilities comply fully with the CWA, the ultimate responsibility rests with the facility. As such, I strongly encourage your company to continue its efforts to maintain full knowledge of its Permit requirements and the CWA and to take appropriate measures to ensure full compliance. If you have any questions concerning this matter, please call Steven Potokar, CAFO Enforcement Coordinator, at (206) 553-6354.

Sincerely,



Kimberly A. Ogle, Manager
NPDES Compliance Unit

cc: Nora Mena, Washington State Department of Agriculture
Kevin Fitzpatrick, Ecology
Richard Grout, Ecology-Bellingham Office
Kurt Niemeyer, Washington State Department of Agriculture